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DATE: September 20, 2004

SENDER: Ralph E. Jocke, Esq.

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In Re Application of: **Jay Paul Drummond, et al.** Art Unit 3624
 Serial No.: 09/505,594 Primary Examiner **Dr. Narayanswamy**
 Confirm. No.: 5969 **Subramanian**
 Filed: February 16, 2000 Docket: D-1120 R1
 For: **Method And System For Connecting Services**
To An Automated Transaction Machine

Sir:

Please find attached Applicant's Request for Withdrawal of Premature Final Rejection in response to the Office Action dated August 10, 2004 for filing in the above case. No fee should be due; however, if any fees are due with the prosecution of this application, please charge deposit account no. 09-0428 of InterBold.

Respectfully,

A handwritten signature of Ralph E. Jocke in black ink.

Ralph E. Jocke Reg. No. 31,029

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this document and the documents indicated as enclosed herewith are being sent by facsimile transmission to the U.S. Patent and Trademark Office this 17th day of September, 2004.

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D-11120 R1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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REQUEST FOR WITHDRAWAL OF PREMATURE FINAL REJECTION

Sir:

Applicants respectfully request reconsideration of the finality of the rejection in the Office Action dated August 10, 2004. Applicants respectfully submit that the Final rejection should be withdrawn as it is legally improper.

For example, in the Office Action dated January 16, 2004 claims 4 and 5 were rejected under 35 U.S.C. § 102(e) as being anticipated by Coutts, et al., U.S. Patent No. 6,311,165 (“Coutts”).

In Applicants' Response dated May 12, 2004, claim 4 was placed in independent form with no change in scope. Thus claims 4 and 5 were not narrowed or broadened in Response to the rejection in view of Coutts. However, in the Office Action dated August 10, 2004, a new ground of rejection was applied against claims 4 and 5 and the rejection was made Final.

MPEP 706.07(a) states:

"Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p)."

Applicants respectfully submit that placing claim 4 in independent form with no change in scope can not necessitate a new ground of rejection under MPEP 706.07(a). Nor was the new ground of rejection based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c). Therefore, the Final rejection is premature.

Furthermore, because of the finality of the rejection in the Office Action dated August 10, 2004, Applicants have not been given an opportunity in accordance with 37 C.F.R. 1.111 to properly rebut the Office's new ground of rejection.

Applicants respectfully submit that the finality of the Office Action dated August 10, 2004 should be withdrawn.

Respectfully submitted,


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